

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

**CHET DRIVER**

**v.**

**STEPHEN GODFREY**

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§


**NO. 9:16-CV-10**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

This case is assigned to the Honorable Zack Hawthorn, United States Magistrate Judge, for all pretrial matters. Pending before the court is a “Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim Upon Which Relief May be Granted” (Doc. No. 5) filed by the Defendant, Stephen Godfrey. The magistrate judge filed a report recommending that the court deny the Defendant’s motion. (Doc. No. 24.) No objections have been filed to the report and recommendation, and the time for doing so has passed. Furthermore, the court’s independent review confirms that the magistrate judge’s analysis is correct.

It is, therefore, **ORDERED** that the magistrate judge’s report and recommendation (Doc. No. 24) is **ADOPTED**; and the Defendant’s “Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim Upon Which Relief May be Granted” (Doc. No. 5) is **DENIED WITHOUT PREJUDICE**.

**SIGNED this 3rd day of March, 2016.**

  
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MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE